

OFFICE OF THE CLERK



Supreme Court of Wisconsin

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April 8, 2021

To:

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Circuit Court Judge
Waupaca County Courthouse
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Waupaca, WI 54981

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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2019AP664-CR State v. Johnson L.C.#2017CF56

By order dated February 26, 2021, this court granted the petition for review filed pursuant to Wis. Stat. § 808.10 on behalf of defendant-respondent-petitioner, Alan S. Johnson, directed the parties to brief an additional issue, and set a briefing schedule. On March 26, 2021, the petitioner filed his opening brief. Three motions are now pending before the court in this matter.

On April 5, 2021, counsel for the plaintiff-respondent, State of Wisconsin, filed a letter asking the court to confirm that the State may file a brief in this matter, and proposing a time frame for filing that brief.

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On April 7, 2021, counsel for appellant, T.A.J., filed a motion to extend the time for filing T.A.J.'s response brief, together with a motion to file the extension motion under seal. The motion sets forth the reasons for the extension request which are not relevant to the merits of the case.

The State may file a brief in this matter as set forth herein. The motion filed by counsel for T.A.J. seeking an enlargement of time to file the response brief is granted, and the motion will be filed and retained under seal. For purposes of efficiency, defendant-respondent-petitioner, Alan S. Johnson, may file a single, enlarged reply brief that addresses the arguments presented by T.A.J. and by the State. This order amends the briefing schedule accordingly. Therefore,

IT IS ORDERED that T.A.J.'s extension motion is granted and T.A.J.'s response brief shall be filed on or before April 22, 2021;

IT IS FURTHER ORDERED that the motion of T.A.J.'s counsel to seal the motion for extension of time is granted. The Clerk of Supreme Court and Court of Appeals is directed to retain the extension motion under seal, until further order of this court;

IT IS FURTHER ORDERED that pursuant to Wis. Stat. §§ (Rules) 809.62(6) and 809.63, within 20 days of the filing of T.A.J.'s brief or statement that no brief will be filed, the plaintiff-respondent, State of Wisconsin, may file a brief or statement that no brief will be filed;

IT IS FURTHER ORDERED that within 10 days of the filing of the State of Wisconsin's brief or statement that no brief will be filed, the defendant-respondent-petitioner must file either a combined reply brief (addressing the arguments presented by both the appellant, T.A.J., and the plaintiff-respondent, State of Wisconsin), or a statement that no reply brief will be filed; the petitioner may file a combined, enlarged reply brief that may not exceed 26 pages (monospaced) or 6,000 words (proportional).

IT IS FURTHER ORDERED that the parties' briefs shall address the following additional issue:

Whether Wis. Stat. § 950.105, which provides in relevant part that, "[a] crime victim has a right to assert, in a court in the county in which the alleged violations occurred, his or her rights as a crime victim under the statutes or under article 1, section 9m of the Wisconsin Constitution," confers standing upon the alleged crime victim in this matter.

IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that, if a party has not previously filed an electronic copy of the briefs filed on behalf of that party in the court of appeals, the party, within 30 days after the

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date of this order, must provide the clerk of this court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; but if the party has already filed an electronic copy of such briefs, then there is no obligation to provide additional copies of those briefs to the clerk of this court; and

IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petition will abide the decision of this court on review.

Sheila T. Reiff
Clerk of Supreme Court

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